

EXHIBIT A & B

Phone: (314) 428-2662 ext. 207  
FAX: (314) 428-2975

477 Woodson Road, Suite 200  
St Louis, MO 63134

CIVIL ASSET FORFEITURE REFORM ACT  
NOTICE OF SEIZURE OF PROPERTY



U.S. Customs and  
Border Protection

Date: August 13, 2009  
~~August 5, 2009~~ *gm*

Adrian Dunn  
6573 Crisp Avenue *Correction 6813 CRISP AVENUE*  
Raytown, Missouri 64133

Certified Mail: 7008 0600 0023 1783 2438  
Sent Certified and First Class Mail  
FP&F Case Number 2009 4501 000082 01

Dear Sir:

The records of this office indicate that you might have an interest in some of the property described below which was seized by Immigration and Customs Enforcement and is subject to forfeiture by Customs and Border Protection at Kansas City, Missouri on June 12, 2009:

\$40,000 (Forty Thousand Dollars U.S. Currency)  
2004 BMW 760 LX, VIN WBAGN8484DK10824 Domestic Value \$23,900.00  
2004 Cadillac Escapade, VIN 3GYFKF66N84G268451 Domestic Value \$11,950.00  
2005 Chevrolet Corvette, VIN 1G14Y22U855128951 Domestic Value \$26,900.00

The property was seized and is subject to administrative forfeiture under the provisions of Title 21 United States Code Section 881, 841 and 846 in regards to the smuggling of narcotics in the United States.

The facts available to CBP indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the legal options available to you concerning this seizure. Important documents are attached to this letter. Please do not ignore them. Those documents are an "Election of Proceedings" form and a "Seized Asset Claim Form." You MUST check Box 1 or 3 and return the "Election of Proceedings" form if you wish to contest the forfeiture of the seized property. You may need to complete the "Seized Asset Claim Form," depending on how you complete the "Election of Proceedings" form.

Your legal options are as follows:

1. You may file a petition for relief from the seizure within 30 days from the date of this letter. The provision of title 19, United States Code, section 1618, and Part 171 of the Customs Regulations (19 CFR Part 171) allow you to do this. The petition need not be in any specific form, but it should include all the facts which you believe warrant relief from forfeiture. All petitions should be filed in duplicate and addressed to the FPF Officer at the above address. If you choose this option, you must check Box 1 on the "Election of Proceedings" form.
2. You may file an offer in compromise within 30 days from the date of this letter. The provisions of title 19, United States Code 1617, allow you to do this. The offer must specifically indicate that you are making it under the provisions of title 19, United States Code, section 1617. If you are offering



money in settlement of the case, you must include a cashier's check in the amount of your offer. CBP may ONLY consider the amount of your offer and will return the full offer if it is rejected. This option may serve to delay the case. If you choose this option you must check Box 1 on the "Election of Proceedings" form.


3. You may submit an offer to pay the full appraised domestic value of the seized property accompanied by that full payment or an irrevocable letter of credit. The provisions of title 19, United States Code, section 1614, and title 19, Code of Federal Regulations, section 162.44, allow you to do this. If CBP accepts your offer, the property will be immediately released and the payment or letter of credit will be substituted for the seized property. You may still submit a petition or offer in compromise as described above.
4. You may choose to do nothing. If you take no action, or if you check Box 2 on the "Election of Proceedings" form, CBP will seek to forfeit the property. CBP will immediately commence administrative forfeiture proceedings under the legal authority of title 19, United States Code (USC), section 1607, and title 19, Code of Federal Regulations (CFR), Part 162. In order to obtain administrative forfeiture, CBP must publish a notice of seizure and intent to forfeit in a newspaper of general circulation in the area in which the property was seized for three consecutive weeks or post the notice of seizure and intent to forfeit on a bulletin board in the area Port Office for twenty-one days. CBP will commence such publication or posting on or about one week after your 30 day reply period to respond to this notice lapses. You may request that this office publish the first notice sooner than the date above.
5. You may abandon the property. If you choose this option, please check Box 2 and sign and return the "Election of Proceedings" form.
6. You may choose to file a claim and have that claim referred to the United States Attorney for the commencement of a court forfeiture action. If you choose this option YOU MUST CHECK BOX 3 ON THE "ELECTION OF PROCEEDINGS" FORM AND YOU MUST FULLY COMPLETE THE ATTACHED "SEIZED ASSET CLAIM FORM." If you choose to file a claim directly in response to this letter, you must do so within 35 days of the date of this letter.

If you are a holder of a lien or security interest and you do not file a claim, you may avail yourself of any of the other options listed above, but no relief will be granted to you until after forfeiture unless your petition, offer or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner and/or the person from whom the property was seized.

No matter which box you check on the "Election of Proceedings" form, you must also sign and return the form along with your petition, offer, or claim.

If you have any questions regarding this matter, please contact the below signed at the phone/fax printed above.

Sincerely,



Jaynie Zakibe

Fines, Penalties & Forfeitures Officer  
Service Port of St. Louis, Missouri

ELECTION OF PROCEEDINGS  
CAFRA FORM AF

NOTE: THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR PETITION OR OFFER. IF YOU DO NOT COMPLETE AND RETURN THIS FORM, CUSTOMS AND BORDER PROTECTION (CBP) SHALL PROCEED TO FORFEIT THE PROPERTY ADMINISTRATIVELY, REGARDLESS OF WHETHER YOU FILE A PETITION OR OFFER.

TO: FINES, PENALTIES AND FORFEITURES OFFICER:

I understand that property in which I have an interest has been seized by CBP under Case No.

2009450/0008201

Check ONLY ONE (1) of the following choices:

1. ☒ I REQUEST THAT CBP DELAY FORFEITURE PROCEEDINGS AND CONSIDER MY PETITION OR OFFER ADMINISTRATIVELY. My petition or offer is attached. By making this request, I understand that I am giving up my right for the immediate commencement of administrative forfeiture proceedings, as provided under Title 19, United States Code (USC), section 1607 and Title 19, Code of Federal Regulations (CFR), Part 162. If administrative forfeiture has begun, it will be stopped until my petition or offer is considered. However, I understand that *at any time* I can request, in writing, that CBP begin administrative forfeiture proceedings and CBP will continue to consider my petition or offer. I also understand that *at any time* I can file a claim with CBP (as described in Box 3 below) and CBP's consideration of my petition or offer will stop and the case will be sent to the U.S. Attorney for court action.
2. ☐ I ABANDON THE PROPERTY AND I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY. Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.
3. ☐ I REQUEST THAT CBP SEND MY CASE FOR COURT ACTION. Please immediately send the case to the U.S. Attorney for court action. I have fully completed, signed and attached a SEIZED ASSET CLAIM FORM as required by law. I understand that if I have not fully completed this form, CBP will treat my submission as a petition for relief under Box 1 described above.

Adrian Dennis Sr.  
Signature

8-21-09  
Date

Adrian Dennis Sr.  
Printed Name



UNITED STATES CUSTOMS AND BORDER PROTECTION  
SEIZED ASSET CLAIM FORM

Name: Adrian Dumas Sr. Seizure No: 200945010008201  
Address: 7630 Bellefontaine  
KANSAS City, MO. 64132 (IMPORTANT: BE SURE TO  
Telephone No: (816) 363-7157 COMPLETE ALL PARTS BELOW)

As authorized by 18 U.S.C. 983(a)(2)(A), I request that the Government file a complaint for forfeiture on the seized property described below:

PART I

List all items in which you claim an interest. Include sufficient information to identify the items, such as serial numbers, make and model numbers, aircraft tail numbers, photographs, and so forth. Attach additional sheets of paper if more space is needed.

2005 CHEVROLET CORVETTE, VIN 1G14Y22U855128951

40,000 (Forty Thousand Dollars U.S. Currency) Correction! ~~4,000~~

PART II

State your interest in each item of property listed above. Provide any documents that support your claim of interest such as titles, registrations, bills of sale, receipts, and so forth. Attach additional sheets of paper if more space is needed.

BECAUSE it's my CAR, AND my lawyer Patrick Peters  
HAS THE PROOF THAT IT WAS SEIZED AND NOT IN MY  
PROCESSION AND THAT THE FORTY THOUSAND DOLLARS U.S.  
CURRENCY WAS SEIZED IN THE TRUNK OF MY 1994 CHEVY  
CAPRICE VIN IN4724J212607 AT THE RESIDENT OF 8717 KENTUCKY

Adrian Dumas Sr.  
Name (Print)

8-21-09  
Date

KANSAS City MO.  
64134

Adrian Dumas Sr.  
Signature

A FALSE STATEMENT OR CLAIM MAY SUBJECT A PERSON TO  
PROSECUTION UNDER 18 U.S.C. 1001 AND/OR 1621 AND IS PUNISHABLE  
BY A FINE AND UP TO FIVE YEARS IMPRISONMENT.



U.S. Customs and  
Border Protection

4477 WOODSON ROAD, SUITE 2  
ST. LOUIS, MO 63134

SEP 14 2009  
RECEIVED  
CUSTOMS & BORDER PROTECTION  
ST. LOUIS, MO  
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300

**CERTIFIED MAIL**



7000 0600 0023 1783 2438

US OFFICIAL MAIL  
\$300 Penalty  
For Private Use  
047 J007 40263  
\$05.540  
08/10/2009  
Mailed From 63134  
US POSTAGE

N/L 7-15-09  
8/18/09

NIXIE

641 SE 1

06 09/22/09

RETURN TO SENDER  
NO SUCH NUMBER  
UNABLE TO FORWARD

BC: 63134370099

\*0216-07680-10-41



6313403299320

6813

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

*Wrong address*

7000 0600 0023 1783 2438

Recipient's Name (Please Print Clearly) (To be completed by mailer)	
Adrian Dunn	
Street, Apt. No., or PO Box No.	
6573 Crisp Ave	
City, State, ZIP+4	
Raymon MD 64133	

PS Form 3800, February 2000 See Reverse for Instructions

**NOTICE OF SEIZURE**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Adrian Dunn  
6573 Crisp Ave  
Raytown MO  
64133

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

2009 4501 0000 8201

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7000 0600 0023 1783 2438

102595-00-M-0952



7000 0600 0023 1783 2445

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (to be completed by mailer)  
*Adrian Dure*

Street, Apt. No., or PO Box No.  
*912 9th St*

City, State, ZIP+4  
*KE MO 64114*

PS Form 3800, February 2000 See Reverse for Instructions

*This is Corredors address  
And there's no petition to  
match this*

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

NOS 2009 4501 00008301

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Adrian Nunez  
912 - 984th St  
KE MO  
64114

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly)	B. Date of Delivery
C. Signature <b>X</b>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type	<input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail	<input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes	

2. Article Number (Copy from service label) 7008 0600 0023 1783

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

This is Corredors address And there's  
no petition for this.



Phone: (314) 428-2662 ext. 207  
FAX: (314) 428-2975

CIVIL ASSET FORFEITURE REFORM ACT  
NOTICE OF SEIZURE OF PROPERTY



U.S. Customs and  
Border Protection

13  
Date : August 5, 2009 *gry*

Adrian Dunn  
6813 Crisp  
Raytown, Missouri 64133

Certified Mail: 7008 0150 0003 1439 8683  
Sent Certified and First Class Mail  
FP&F Case Number 2009 4501 000081 01

Dear Sir:

The records of this office indicate that you might have an interest in some of the property described below which was seized by Immigration and Customs Enforcement and is subject to forfeiture by Customs and Border Protection at Kansas City, Missouri on June 12, 2009:

\$1,709.00 (One Thousand Seven Hundred Nine Dollars) U.S. Currency  
1974 Chevy Caprice IN47R4J212607, Domestic Value \$2,125.00  
1975 Chevy Impala IL69H5J152475, Domestic Value \$1,525.00  
2004 GMC Yukon 1GKEC13VGSR163592, Domestic Value \$10,900.00

*Item Seized  
From 8115 Kenton  
no more sheet*

The property was seized and is subject to administrative forfeiture under the provisions of Title 21 United States Code Section 881, 841 and 846 in regards to the smuggling of narcotics in the United States.

The facts available to CBP indicate that you might have an interest in the seized property. The purpose of this letter is to advise you of the legal options available to you concerning this seizure. Important documents are attached to this letter. Please do not ignore them. Those documents are an "Election of Proceedings" form and a "Seized Asset Claim Form." You MUST check Box 1 or 3 and return the "Election of Proceedings" form if you wish to contest the forfeiture of the seized property. You may need to complete the "Seized Asset Claim Form," depending on how you complete the "Election of Proceedings" form.

Your legal options are as follows:

1. You may file a petition for relief from the seizure within 30 days from the date of this letter. The provision of title 19, United States Code, section 1618, and Part 171 of the Customs Regulations (19 CFR Part 171) allow you to do this. The petition need not be in any specific form, but it should include all the facts which you believe warrant relief from forfeiture. All petitions should be filed in duplicate and addressed to the FPF Officer at the above address. If you choose this option, you must check Box 1 on the "Election of Proceedings" form.
2. You may file an offer in compromise within 30 days from the date of this letter. The provisions of title 19, United States Code 1617, allow you to do this. The offer must specifically indicate that you are making it under the provisions of title 19, United States Code, section 1617. If you are offering



money in settlement of the case, you must include a cashier's check in the amount of your offer. CBP may ONLY consider the amount of your offer and will return the full offer if it is rejected. This option may serve to delay the case. If you choose this option you must check Box 1 on the "Election of Proceedings" form.

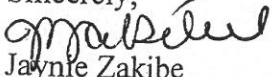
3. You may submit an offer to pay the full appraised domestic value of the seized property accompanied by that full payment or an irrevocable letter of credit. The provisions of title 19, United States Code, section 1614, and title 19, Code of Federal Regulations, section 162.44, allow you to do this. If CBP accepts your offer, the property will be immediately released and the payment or letter of credit will be substituted for the seized property. You may still submit a petition or offer in compromise as described above.
4. You may choose to do nothing. If you take no action, or if you check Box 2 on the "Election of Proceedings" form, CBP will seek to forfeit the property. CBP will immediately commence administrative forfeiture proceedings under the legal authority of title 19, United States Code (USC), section 1607, and title 19, Code of Federal Regulations (CFR), Part 162. In order to obtain administrative forfeiture, CBP must publish a notice of seizure and intent to forfeit in a newspaper of general circulation in the area in which the property was seized for three consecutive weeks or post the notice of seizure and intent to forfeit on a bulletin board in the area Port Office for twenty-one days. CBP will commence such publication or posting on or about one week after your 30 day reply period to respond to this notice lapses. You may request that this office publish the first notice sooner than the date above.
5. You may abandon the property. If you choose this option, please check Box 2 and sign and return the "Election of Proceedings" form.
6. You may choose to file a claim and have that claim referred to the United States Attorney for the commencement of a court forfeiture action. If you choose this option YOU MUST CHECK BOX 3 ON THE "ELECTION OF PROCEEDINGS" FORM AND YOU MUST FULLY COMPLETE THE ATTACHED "SEIZED ASSET CLAIM FORM." If you choose to file a claim directly in response to this letter, you must do so within 35 days of the date of this letter.

If you are a holder of a lien or security interest and you do not file a claim, you may avail yourself of any of the other options listed above, but no relief will be granted to you until after forfeiture unless your petition, offer or request is accompanied by an agreement to hold the United States, its officers and employees harmless, and a release from the registered owner and/or the person from whom the property was seized.

No matter which box you check on the "Election of Proceedings" form, you must also sign and return the form along with your petition, offer, or claim.

If you have any questions regarding this matter, please contact the below signed at the phone/fax printed above.

Sincerely,



Jayne Zakibe

Fines, Penalties & Forfeitures Officer  
Service Port of St. Louis, Missouri



ELECTION OF PROCEEDINGS  
CAFRA FORM AF

NOTE: THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR PETITION OR OFFER. IF YOU DO NOT COMPLETE AND RETURN THIS FORM, CUSTOMS AND BORDER PROTECTION (CBP) SHALL PROCEED TO FORFEIT THE PROPERTY ADMINISTRATIVELY, REGARDLESS OF WHETHER YOU FILE A PETITION OR OFFER.

TO: FINES, PENALTIES AND FORFEITURES OFFICER:

I understand that property in which I have an interest has been seized by CBP under Case No. 2009 4501000081 01.

Check ONLY ONE (1) of the following choices:

1. ☒ I REQUEST THAT CBP DELAY FORFEITURE PROCEEDINGS AND CONSIDER MY PETITION OR OFFER ADMINISTRATIVELY. My petition or offer is attached. By making this request, I understand that I am giving up my right for the immediate commencement of administrative forfeiture proceedings, as provided under Title 19, United States Code (USC), section 1607 and Title 19, Code of Federal Regulations (CFR), Part 162. If administrative forfeiture has begun, it will be stopped until my petition or offer is considered. However, I understand that *at any time* I can request, in writing, that CBP begin administrative forfeiture proceedings and CBP will continue to consider my petition or offer. I also understand that *at any time* I can file a claim with CBP (as described in Box 3 below) and CBP's consideration of my petition or offer will stop and the case will be sent to the U.S. Attorney for court action.
2. ☐ I ABANDON THE PROPERTY AND I REQUEST THAT CBP BEGIN ADMINISTRATIVE PROCEEDINGS TO FORFEIT THE PROPERTY. Please immediately begin publication of the notice of seizure and intent to forfeit. I abandon any claim or interest in the property.
3. ☐ I REQUEST THAT CBP SEND MY CASE FOR COURT ACTION. Please immediately send the case to the U.S. Attorney for court action. I have fully completed, signed and attached a SEIZED ASSET CLAIM FORM as required by law. I understand that if I have not fully completed this form, CBP will treat my submission as a petition for relief under Box 1 described above.

Adrian Luna Sr.  
Signature

8-21-09  
Date

Adrian Luna Sr.  
Printed Name

UNITED STATES CUSTOMS AND BORDER PROTECTION  
SEIZED ASSET CLAIM FORM

Name: Adrian Dunn  
Address: 7630 BELMONT AVE  
KANSAS CITY, MO. 64132  
Telephone No: (816) 363-7157

Seizure No: 200945010008101

(IMPORTANT: BE SURE TO  
COMPLETE ALL PARTS BELOW)

As authorized by 18 U.S.C. 983(a)(2)(A), I request that the Government file a complaint for forfeiture on the seized property described below:

PART I

List all items in which you claim an interest. Include sufficient information to identify the items, such as serial numbers, make and model numbers, aircraft tail numbers, photographs, and so forth. Attach additional sheets of paper if more space is needed.

1974 Chevy Caprice (VEN IN47R4J212607)

PART II

State your interest in each item of property listed above. Provide any documents that support your claim of interest such as titles, registrations, bills of sale, receipts, and so forth. Attach additional sheets of paper if more space is needed.

BECAUSE ITS MY CAR AND MY LAWYER PATRICK PETER HAS THE PROOF THAT IT WAS SEIZED FOR NO APPARENT REASON AND HE HAS THE TITLE, REGISTRATION AND SO FORTH IF NEEDED.

Adrian Dunn Sr.  
Name (Print)

8-21-09  
Date

Adrian Dunn Sr.  
Signature

A FALSE STATEMENT OR CLAIM MAY SUBJECT A PERSON TO PROSECUTION UNDER 18 U.S.C. 1001 AND/OR 1621 AND IS PUNISHABLE BY A FINE AND UP TO FIVE YEARS IMPRISONMENT.



EXHIBIT C



**U.S. Customs and  
Border Protection**

(314) 428-2662 x 207  
FAX (314) 428-2975

Adrian L. Dunn, Sr.  
Bates County Jail  
P.O. Box 60  
Butler, Missouri 64730

RE: 2009 4501 000081 01

Dear Mr. Dunn:

I am the Fines, Penalties & Forfeitures officer for the Department of Homeland Security here in St. Louis. My job is to monitor administrative forfeiture of property that has been seized by Officers and Agents of the department.

I will answer your petition as best I can, within the scope of my job. You will have to contact the case agent for any other concerns you have. If you have retained a new lawyer, please tell him or her that they are free to call me at anytime.

In regards to the \$41,000 and the Caprice, yes, there was probable cause for search and seizure at that address. I have to know that because if we do not have probable cause to seize an item, we violate your civil rights. It's my responsibility to make sure that doesn't happen. Please note that these two items are referenced under the case number above, and if you have further questions about them, please include the case number.

Your petition for these items was denied because the case went to the AUSA for indictment. I cannot do anything at this point with those items until the AUSAs case plays out. I will respond to your petition once that happens. In the meantime the money is in a holding account and the Caprice is being stored in a safe place.

I do not have any information about your Corvette at this time. I need to know the case number it was seized under in order to locate it. Therefore, I really cannot accurately address it with you. However, the scenario is probably the same. If you can get the correct FP&F case number, I'd be happy to give you more information.

I really don't believe that your rights have been violated regarding the seizure of your property; our federal agents know the rules and in the years I have been doing this I have not yet seen them fail in that procedure. I am not saying other things may not be right, I'm only attesting that the seizure of the \$41,000 and the Caprice were legally accomplished.

Again, as soon as the AUSA is finished with the case, we will respond to your original petition. I apologize for the length of time that is taking, but obviously you can see that I respond as soon as possible to any letters sent to me; and I hope you realize I have nothing else to do with the process.

Best of Luck,

Jaynie Zakibe  
Fines, Penalties & Forfeitures Officer





**U.S. Customs and  
Border Protection**

4477 WOODSON ROAD, SUITE 200  
ST LOUIS, MO 63134

OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE \$300

*Legal*



US OFFICIAL MAIL  
\$300 Penalty  
For Private Use

047J00740266  
\$00.440  
09/02/2010  
Mailed From 63134  
US POSTAGE

6473040060



EXHIBIT D



U.S. CUSTOMS AND BORDER PROTECTION  
Department of Homeland Security  
4477 Woodson Road, Suite 200  
St. Louis, MO 63134  
(314) 428-2662 EXT. 207  
FAX: (314) 428-2975

Date: September 17, 2010

Adrian L. Dunn Sr.  
Bates County Jail  
P.O. Box 60  
Butler, Missouri 64730

RE: 2005 Corvette, Case 2009 4501 000082 01

Dear Mr. Dunn:

Thank you for your letter dated September 14, 2010, which I received today. I was able (with the help of my seized property specialist) to find the case number you need when corresponding with us (CBP) about this case. It is 2009 4501 000082 01.

Our file indicates that a notice of seizure was sent to you and that you responded with a petition. The items seized were indicted by the U.S. Attorney's Office, therefore we responded to your petition, through your lawyer, that your petition was denied and that you had thirty days to respond. No further correspondence was received.

Administrative forfeiture of the vehicle was therefore continued and completed. Upon forfeiture, the government sold the vehicle at auction.

Please feel free to have your lawyer contact me about the forfeiture of your property. If you have questions about the validity of the seizure itself, you will have to contact the US Attorney's office or the seizing agent—I'm sure your lawyer will know how to handle that side of the issue.

Best of luck,

*Jaynie Zakibe*  
Jaynie Zakibe

Fines, Penalties & Forfeitures Officer



EXHIBIT E

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADRIAN L. DUNN,

Defendant.

Case No. 09-CR-00188-FJG-4

**UNITED STATES' SUGGESTIONS IN RESPONSE TO DEFENDANT DUNN'S MOTION  
TO VACATE ADMINISTRATIVE FORFEITURE FINDINGS BY  
UNITED STATES CUSTOMS AND BORDER PROTECTION,  
DEPARTMENT OF HOMELAND SECURITY**

The United States of America provides the following suggestions in response to defendant Adrian Dunn's motion to vacate administrative forfeiture findings by the United States Customs and Border Protection, Department of Homeland Security:

*Suggestions in Response*

On December 17, 2012, defendant Adrian L. Dunn, acting *pro se*, filed a document entitled "Claimant's Motion to Vacate Administrative Forfeiture Findings by Customs and Border Protection and Department of Homeland Security Agencies" (Doc. 774). By this motion, Dunn has asked the Court to vacate the administrative forfeiture orders entered as to certain assets by Customs and Border Protection ("CPB"), which is the agency that processes forfeitures for the Homeland Security Investigations division of United States Immigration and Customs Enforcement ("HSI/ICE," known previously as ICE). Dunn brings his motion pursuant to 18

U.S.C. § 983(e). Because the motion was filed in a closed criminal case, the undersigned AUSA did not become aware of the filing until recently.

The assets involved in Dunn's motion were seized as part of the criminal investigation into narcotics trafficking underlying the criminal prosecution in *United States v. Corredor, et al.*, in which Dunn was a co-defendant. CPB processed the seizures administratively and eventually issued two decrees ordering the forfeiture of a number of assets, including those claimed by Dunn. The first order, dated October 21, 2009, forfeited \$40,000, a 2004 BMW, a 2004 Cadillac Escalade, and a 2005 Chevrolet Corvette. The second order, dated April 20, 2011, forfeited \$41,000, a 1974 Chevrolet Caprice, and a Chevrolet Impala. These assets were also named in the criminal indictment, but the government elected not to complete the criminal forfeiture because of the pendency of the administrative proceedings.<sup>1</sup>

Dunn has properly brought this motion pursuant to 18 U.S.C. § 983(e), with two caveats. First, the motion is a civil matter, not a criminal one, *see* 18 U.S.C. § 983(e)(1), and the United States would ask that the motion be given a new civil number. Second, the motion names CBP employee Jaynie Zakibe as the defendant rather than the United States. The United States is the proper defendant in this action. If Dunn really intends to name Ms. Zakibe in her individual capacity, then this becomes a *Bivens* suit. In that case, Dunn would have to personally serve the lawsuit on Ms. Zakibe.<sup>2</sup>

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<sup>1</sup> Dunn has filed a pro se brief in the currently pending appeal of his criminal conviction raising the same issues concerning the administrative forfeitures by CPB. The United States is taking the position that the administrative forfeitures are not part of the criminal case, and can only be reviewed pursuant to a civil proceeding in the District Court pursuant to 18 U.S.C. § 983(e).

<sup>2</sup> The United States will not agree to waive the service requirement in a *Bivens* action. If Dunn will agree to substitute the United States as the defendant for Ms. Zabike, service is not an issue.



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
Western Division

ADRIAN L. DUNN,

Plaintiff,

Civil Action No. 4:16-CV-00493-BCW

V.

Honorable Brian C. Wimes  
United States District Judge

UNITED STATES OF AMERICA,

Defendant.

SUMMONS

TO: United States of America  
James C. Bohling, AUSA  
Office of the United States Attorney  
400 East 9th Street, 5th Floor  
Kansas City, Missouri 64106

**YOU ARE HEREBY SUMMONED** and required to serve an ANSWER to the attached Complaint upon the Plaintiff at the address below within twenty-one (21) days, exclusive of the date of service of this Summons and Complaint upon you.

**PLEASE TAKE FURTHER NOTICE** to the effect that should you so fail to timely respond and serve and file your Answer to the Complaint, Judgment will be taken against you in the amount of the Prayer.

Date: August 4, 2016.



Adrian L. Dunn, Sr., Pro Se  
Reg. No. 21571-045  
F.C.C. Forrest City (Low)  
P.O. BOX 9000  
Forrest City, Arkansas 72336

Adrian L. Dunn Sr. # 21571-045  
Federal Correctional Complex (LOW)  
P.O. Box 9000 - LOW  
Forrest City, Arkansas 72336  
Case NO. 16-0493-CV-W-BCW

August 4, 2016

To Clerk of the Court:

I Adrian L. Dunn Sr.,  
Am notifying the Court in writing to put  
on notice that I will not Waive Service  
of process on Defendant United States  
of America. And my mother Renee Dunn,  
who is bringing this letter along with the  
Summons and Complaint will be taking  
the Summons and Complaint to the Sheriff's  
Office to be served on the party's listed below.

United States of America  
James C. Bohling, AUSA  
Office of the United States Attorney  
400 E. 9th St., 5th Floor  
Kansas City, Mo. 64106

Office of the Attorney General  
Loretta Lynch (A.G.)  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Sincerely,  
Adrian L. Dunn Sr.  
# 21571-045

U.S. Customs and Border Protection  
4477 Woodson Road, Rm 200